

REMARKS/ARGUMENTS

This Response is responsive to the non-final Office action dated March 30, 2010, setting forth a shortened three-month statutory period for reply. The Assignee thanks the Examiner for reviewing this application and issuing an Office action. Claims 73-154 are pending in the application, with claims 142-154 withdrawn from consideration. Claims 73, 105, 106, 139 and 140 are independent claims.

I. Interview Summary

Initially, the Assignee would like to thank the Examiner for the courtesies extended during the telephonic interview that took place on June 22, 2010. During the interview, the Assignee's representative sought clarification regarding how the Mellows reference is applied to claim limitations that require adding a modulation signal to a vertical synchronization pulse. Additionally, the Assignee's representative sought clarification regarding the rationale for combining Mellows and Goldberg. The Examiner indicated that, upon further review, she believed that the claims were allowable over the cited prior art. Pending the Examiner's final review, agreement on patentability was reached.

II. Claim Rejections Under 35 U.S.C. § 103

Claims 73-141 are rejected under 35 U.S.C. § 103(a) as being unpatentable over US 6,091,822 issued to Mellows et al. (hereinafter "Mellows"), in view of US 2002/000900 to Goldberg et al. (hereinafter "Goldberg"). For at least the following reasons, the Assignee respectfully disagrees with these rejections.

The Assignee respectfully submits that the claims are not anticipated or rendered obvious by the cited prior art. With specific reference to independent claim 73, the combination of Mellows and Goldberg fails to anticipate or render obvious the following italicized claim elements:

73. A method of generating or modifying a programme signal to provide protection against copying on a programme recording device, the method comprising the steps of:

receiving a programme signal or information for generating a programme signal divided into lines of information, said signal having horizontal synchronisation pulses and vertical synchronisation pulses for synchronising the programme on the screen of a receiver;

adding a pulse into said programme signal during the horizontal blanking interval of lines that contain picture information and into lines in the vertical blanking region;

adding a first modulation signal to vertical synchronisation pulses of said programme signal;

adding a second modulation signal to lines of picture information in the vicinity of said vertical blanking region at the bottom of a frame of said programme signal;

wherein said pulse, and said first and second modulation signals added to said programme signal are sufficient such that when said signal is copied by the recording device, interference is produced in the reproduction of the copied signal that is not visible in the reproduction of an uncopied programme signal.

On page 3 of the Office Action, the Examiner cites Mellows for its alleged disclosure of "adding a first modulation signal to vertical synchronization pulses of said programme signal." For the following reasons, the Assignee respectfully submits that Mellows fails to meet this claim limitation.

The Mellows reference is directed to a technique for preventing unauthorized playback of recorded video/audio signals. (Mellows, abstract). The disclosed technique includes inserting certain video pulses in the overscan area of the video signal. (Mellows, col. 5, ll. 9-13). This aspect of the disclosed technique is summarized succinctly at col. 5, ll. 31-39 of Mellows:

In order to add to the confusion seen by the recorder and receiver circuitry, the checker pattern is added to both sides of the picture and the white and black portions are opposite as shown in FIG. 3, before inversion and modulation. Additionally the position of the respective pulses change from field-to-field to create a field-to-field dynamic shift that makes reading text and graphics while under motion even more difficult.

As can be seen from this excerpt, the Mellows technique calls for adding pulses to the lines of picture information. At no point does the Mellows technique call for adding signals to blanking intervals. In sharp contrast to Mellows, the claimed invention requires adding signals into the **vertical synchronization pulses**, which occur in the vertical blanking not in the lines of picture information. By way of further contrast, Mellows discloses adding pulses to a programme signal; whereas the claimed invention requires adding a **modulation signal**. Accordingly, Mellows fails to meet the claim limitation: "adding a first modulation signal to vertical synchronization pulses of said programme signal."

On page 3 of the Office Action, the Examiner admits that Mellows fails to disclose "adding a pulse into said programme signal during the horizontal blanking interval of lines that contain picture information and into lines in the vertical blanking region." For this claim limitation, the Examiner relies on Goldberg's disclosure of adding additional signals to a

programme signal. (Office Action, page 4). For the following reasons, the Assignee respectfully submits that Mellows and Goldberg cannot be combined to meet this claim limitation.

Goldberg is directed to a method for adding imperceptible noise to audio or other signals that causes a degradation of the signal when it is compressed and decompressed. (Goldberg, abstract.) While Goldberg appears to add pulses of a certain kind to an audio signal, the Assignee respectfully submits that one of ordinary skill in the art would not use this teaching to modify Mellows to add pulses specifically to the horizontal blanking interval of a video signal.

Adding pulses to the horizontal blanking interval of a video signal as recited by the claimed invention effects a copy-protection by interfering with the operation of **recording device**. Neither Mellows nor Goldberg discloses effecting copy-protection by interfering with a recording device, and so neither reference provides a reason or rationale for adding pulses specifically to the horizontal blanking interval of a video signal. Rather, Mellows and Goldberg utilize entirely different mechanisms from that of the claimed invention. Mellows teaches a modified signal that can only effectively be played back on specifically adapted players. Goldberg teaches modifications to a signal that cause degradation through the compression/decompression process. The reason or rationale for adding pulses specifically to the horizontal blanking interval of a video signal is found in the Assignee's disclosure and not in Mellows or Goldberg. Accordingly, the Assignee respectfully submits that Examiner's rejection is based on hindsight and improperly uses the Assignee's disclosure as a blueprint for combining Mellows with Goldberg to meet the limitations of the claimed invention.

On page 4 of the Office Action, the Examiner asserts that modifying the system of Mellows by adding an additional pulse based on the teachings of Goldberg would be obvious because it would allow for more efficient processing. The Assignee respectfully submits that this rationale for combining Mellows and Goldberg is in fact contrary to the teachings of both references. Neither reference adds pulses or other signals for the purpose of increasing the efficiency of processing. In fact, both references add pulses for the quite distinct purpose of causing the signal to **degrade**.

For the foregoing reasons, the Assignee respectfully submits that Mellows and Goldberg fail to anticipate or render obvious independent claim 73. For the same reasons, the Assignee respectfully submits that Mellows and Goldberg fail to anticipate or render obvious independent claims 105, 106, 139, and 140. Dependent claims 74-140 and 107-138 depend from and contain all the limitations of the independent claims 73 and 106. For at least the reasons that independent claims 73 and 106 are patentable, the Assignee respectfully submits that dependent claims 74-140 and 107-138 are patentable. This Assignee makes this statement

without waiving any independent basis of patentable set forth in dependent claims 74-140 and 107-138. The Assignee reserves the right to argue the patentability of dependent claims 74-140 and 107-138 in a separately filed response.

III. Related Applications

Per the Examiner's request, the following is a list of patents related to the present application that have been granted as of this date in jurisdictions outside of the United States:

GB 2390247

AU 2003246921

CN 1679334

EP 1532814 (registered in FR, DE, IT, NL, and ES)

CONCLUSION

Claims 73-154 are pending in the application, with claims 142-154 withdrawn from consideration. In accordance with the arguments set forth herein, the Assignee respectfully submits the application and all claims are in a condition for allowance, and requests such prompt allowance.

The Assignee believes no fees or petitions are due with this filing. However, should any such fees or petitions be required, please consider this a request therefor and authorization to charge Deposit Account No. 04-1415 as necessary.

Should any issues remain that the Examiner believes may be dealt with in a telephone conference, he is invited to contact the undersigned at 303-352-1125.

Signed this 30 day of June, 2010.

Respectfully submitted,



Brian J. Ignat, Registration No. 57,174
USPTO Customer No. 71089

DORSEY & WHITNEY LLP
370 17th Street, Suite 4700
Denver, Colorado 80202
Telephone: 303-629-3400
Facsimile: 303-629-3450

4840-7353-9590\1